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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSHUA GERSTEIN,
Plaintiff,
v.
CENTRAL INTELLIGENCE AGENCY,
et al.,
Defendant.

Case No. C 06-04643 MMC
**AND ORDER
STIPULATION TO EXTEND
DEFENDANTS' BRIEFING DEADLINE
FOR FILING RENEWED MOTION
FOR SUMMARY JUDGMENT AND
MEMORANDUM IN SUPPORT
THEREOF**

The parties hereby stipulate to a three-week extension, until April 23, 2010, of the April 2, 2010 deadline for defendants' renewed motion for summary judgment, which was set pursuant to the Court's February 23, 2010 Order. The bases for this stipulation are as follows:

1. On February 23, 2010, the Court issued an Order granting in part and denying in part defendants' renewed motion for summary judgment regarding plaintiff's request to the Department of Justice's Office of Professional Responsibility (OPR) under the Freedom of Information Act (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified

information. With respect to certain of OPR's withholdings under FOIA exemptions 2, 5, 6, and 7(C), the Court denied the government's motion for summary judgment without prejudice, allowing OPR until April 2, 2010 to file a renewed summary judgment motion.

2. On March 24, 2010, OPR advised defendants' counsel that more time was needed for that component to review the documents at issue, determine the extent to which OPR could produce at least some of the information that has been withheld in response to plaintiff's request, and prepare a revised Vaughn declaration. OPR further informed counsel that the Vaughn declarant would be out of the office part of the next week and that the OPR attorney will be on leave the week of March 29, 2010.

3. Undersigned counsel also will be on leave the week of March 29. In addition, once OPR has completed its review of the documents, government counsel intends to discuss with plaintiff the extent to which the parties can narrow the scope of the information at issue.

4. For these reasons, defendants seek a three-week extension of time, or until April 23, 2010, to file a renewed motion for summary judgment.

5. Plaintiff stipulates to the request for a three-week extension of time for defendants to file their papers.

Accordingly, the parties stipulate to extend the defendants' briefing deadline by three weeks, or until April 23, 2010.

Respectfully submitted,

JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

/s/

Plaintiff

/s/

Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
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Dated: March 26, 2010

Dated: March 26, 2010

[PROPOSED] ORDER

Upon consideration of the parties' stipulation, the briefing deadline set by the February 23, 2010 Order is extended by three weeks, to reflect that defendants' renewed motion for summary judgment is due no later than April 23, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 26, 2010


MAKINE M. CHESNEY
United States District Judge